

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN THE MATTER

OF THE

COMPLAINT OF NICHOLAS CANNISI
and THOMAS CANNISI, AS OWNERS
OF THE "M/V BLUE SEA V," THE
PLAINTIFFS FOR FOR EXONERATION
FROM AND LIMITATION OF LIABILITY

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AMON, UNITED STATES DISTRICT JUDGE

ORDER APPROVING
PLAINTIFFS' STIPULATION FOR

VALUE, DIRECTING ISSUANCE
OF NOTICE AND RESTRAINING
SUIT

07-CV-2249 (CBA)

A Complaint having been filed on June 4, 2007, and amended on July 5, 2007, by Nicholas Cannisi and Thomas Cannisi, as owners of the "M/V BLUE SEA V," plaintiffs, for exoneration from or limitations of liability, pursuant to 46 U.S.C. § 30501 *et seq.* and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, for any loss, damage or injury caused by or resulting from an alleged injury to Eugene Smith on September 30, 2006, as is more fully described in the Complaint,

AND, the Complaint having stated that the value of the plaintiffs' interest in the M/V Blue Sea V as set forth in the affidavit of Roy Scott sworn to on the 30th day of May, 2007,

Now, on motion of Badiak & Will, LLP, attorneys for the plaintiffs, it is hereby

ORDERED that

1. The Court accepts and approves the stipulation for value of plaintiffs' interest in the M/V Blue Sea V of \$250,000.00 as to form and quantum.
2. The plaintiffs shall deposit \$250,000.00 with the Clerk of the Court by check payable to the United States District Court for the Eastern District of New York within ten days of the date of this order.

3. That any claimant who may properly become a party hereto may by motion demand that the funds deposited in court or the security given by the plaintiff be increased on the ground that they are less than the value of the plaintiff's interest in the vessel and pending freight. Thereupon the court shall cause due appraisement to be made of the value of the plaintiff's interest in the vessel and pending freight; and if the court finds that the deposit or security is either insufficient or excessive it shall order its increase or reduction.
4. That a notice shall be issued by the Clerk of the Court to all persons asserting claims with respect to which the Complaint seeks exoneration from or limitation of liability, admonishing them to file their respective claims with the Clerk of Court, in writing, and to serve upon the attorneys for plaintiffs a copy thereof within thirty (30) days of the date of the issuance of the notice or be defaulted, and that if any claimant desires to contest either the right to exoneration from or the right to limitation of liability he shall file and serve on the attorneys for the plaintiffs an Answer to the Complaint on or before said date, unless his claim has included an Answer to the Complaint, so designated, or be defaulted.
5. That the aforesaid Notice shall be published in the The Brooklyn Paper and the Brooklyn Daily Eagle, once a week for four successive weeks prior to the date fixed for the filing of claims, and copies of the Notice shall also be mailed in accordance with the provisions of Supplemental Rule F.
6. That the commencement or prosecution of any and all suits, actions or proceedings, of any nature and description whatsoever in any jurisdiction, against plaintiffs or against property of the plaintiffs with respect to any claim for which the plaintiff seeks exoneration from or limitation of liability, except in this action, to recover damages for or

in respect to any loss, damage, or injury caused by or resulting from the occurrence described in the Complaint or done, occasioned or incurred on the M/V Blue Sea V as alleged in the Complaint, be and they are hereby restrained, stayed, and enjoined until hearing and determination of this action.

SO ORDERED.

Dated: Brooklyn, New York
July 13, 2007

Carol Bagley Amon
United States District Judge